

57-4a-1. Document recordable despite defects.

Each document executed and acknowledged on or before July 1, 1988, may be recorded in the office of the county recorder regardless of any defect or irregularity in its execution, attestation, or acknowledgment.

Enacted by Chapter 155, 1988 General Session

57-4a-2. Recorded document imparts notice of contents despite defects.

A recorded document imparts notice of its contents regardless of any defect, irregularity, or omission in its execution, attestation, or acknowledgment. A certified copy of a recorded document is admissible as evidence to the same extent the original document would be admissible as evidence.

Enacted by Chapter 155, 1988 General Session

57-4a-3. Document recordable without acknowledgment.

A document or a certified copy of a document may be recorded without acknowledgment if:

- (1) it was executed under law existing at the time of execution;
- (2) it evidences or affects title to real property; and
- (3) it was issued under the authority of:
 - (a) the United States, another state, a court of record, a foreign government, or an Indian tribe; or
 - (b) this state or any of its political subdivisions but, any document executed under the authority of this state or any of its political subdivisions after July 1, 1988, may not be recorded unless it includes a certificate of acknowledgement or jurat.

Amended by Chapter 88, 1989 General Session

57-4a-4. Presumptions.

(1) A recorded document creates the following presumptions regarding title to the real property affected:

- (a) the document is genuine and was executed voluntarily by the person purporting to execute it;
- (b) the person executing the document and the person on whose behalf it is executed are the persons they purport to be;
- (c) the person executing the document was neither incompetent nor a minor at any relevant time;
- (d) delivery occurred notwithstanding any lapse of time between dates on the document and the date of recording;
- (e) any necessary consideration was given;
- (f) the grantee, transferee, or beneficiary of an interest created or described by the document acted in good faith at all relevant times;
- (g) a person executing a document as an agent, attorney in fact, officer of an organization, or in a fiduciary or official capacity:

(i) held the position he purported to hold and acted within the scope of his authority;

(ii) in the case of an officer of an organization, was authorized under all applicable laws to act on behalf of the organization; and

(iii) in the case of an agent, his agency was not revoked, and he acted for a principal who was neither incompetent nor a minor at any relevant time;

(h) a person executing the document as an individual:

(i) was unmarried on the effective date of the document; or

(ii) if it otherwise appears from the document that the person was married on the effective date of the document, the grantee was a bona fide purchaser and the grantor received adequate and full consideration in money or money's worth so that the joinder of the nonexecuting spouse was not required under Sections 75-2-201 through 75-2-207;

(i) if the document purports to be executed pursuant to or to be a final determination in a judicial or administrative proceeding, or to be executed pursuant to a power of eminent domain, the court, official body, or condemnor acted within its jurisdiction and all steps required for the execution of the document were taken; and

(j) recitals and other statements of fact in a document, including without limitation recitals concerning mergers or name changes of organizations, are true.

(2) The presumptions stated in Subsection (1) arise even though the document purports only to release a claim or to convey any right, title, or interest of the person executing it or the person on whose behalf it is executed.

Amended by Chapter 88, 1989 General Session